

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT EARLE JOHNSON,

Plaintiff,

V.

CHRISTINE GREGOIRE, *et al.*,

Defendants.

Case No. C08-5428FDB/KLS

ORDER DENYING MOTION FOR
RECUSAL OF U.S. DISTRICT
COURT JUDGE

This is a prisoner civil rights case that is before Magistrate Judge Karen L. Strombom.

Plaintiff Johnson had an earlier civil rights case raising similar issues in C05-5401FDB/JKA, wherein this Court adopted the Report and Recommendation. That matter is currently on appeal to the Ninth Circuit.

Johnson asserts that the undersigned United States District Judge should be disqualified from review of the instant case because of demonstrated bias in the previous case. Johnson's motion is without merit. While it is true that this Court adopted the Report and Recommendation presented by Magistrate Judge Arnold in the previous case, the Court did review the record in coming to its conclusion. Simply because the undersigned took a different view of the arguments than does Johnson, is no basis for disqualification from the instant case.

ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion for Recusal To Disqualify United States District Court Judge Franklin D. Burgess [Dkt. # 6] is DENIED.

DATED this 14th day of August, 2008.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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